



GP 2768 #

DN LEWO 7710US
PATENTS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 2700

AUG 21 2000

RECEIVED

In re application of:

Woodson C. Lewis

Group No.: 2768

Serial No.: 09/527,927

Examiner: Not Yet Identified

Filed: March 17, 2000

For: ELECTRONIC TICKETING
AND VALIDATION
SYSTEM AND METHOD

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P §708.02), along with any document indicated as being enclosed, is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 10, 2000.

David H. Chervitz
Reg. No. 32,820
763 South New Ballas Road
St. Louis, Missouri 63141
(314) 872-8118

**PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL
INFRINGEMENT (37 C.F.R. §1.102 AND M.P.E.P. §708.02)**

Applicant hereby petitions to make this application special because of actual
infringement.

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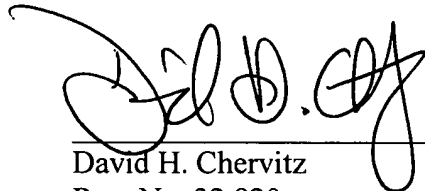
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Accompanying this petition is a Statement of Facts by the Applicant in Support of
Petition to Make Special Because of Actual Infringement and a Statement by the
Attorney of Record in Support of Petition to Make Special Because of Actual
Infringement.

The fee required under 37 C.F.R. §1.17(i) is to be paid by the enclosed check for
\$130. The Commissioner is directed to charge Deposit Account No. 162201 for any
underpayment or to credit this account for any overpayment of this fee.

In view of the enclosed Statements and payment of the fee, Applicant respectfully
requests that this Petition be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.H. Chervitz', is written over a horizontal line.

David H. Chervitz
Reg. No. 32,820
Polster, Lieder, Woodruff
& Lucchesi, L.C.
763 South New Ballas Road
St. Louis, Missouri 63141
(314) 872-8118

DHC
Enclosures
dc\lewispetspecial



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**STATEMENT OF FACTS BY THE APPLICANT IN SUPPORT OF
PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL
INFRINGEMENT (M.P.E.P. §708.02)**

I, Woodson C. Lewis, am the applicant and inventor of the above-identified patent application and I hereby state the following.

1. There is an actual infringement of this invention. In particular, there is a product or service offered over the Internet at a website identified as www.movie-tickets.com. Upon directing a web browser to this website, a user is presented with a screen in which the user may select an option to purchase on-line tickets to a movie theater. Once this option is selected, the user is presented with a screen which allows the user to select a movie theater to review show times and ticket sales. Once a theater has been selected clickable show times are displayed with the clickable show times indicating which movies are available for on-line purchase. The user then

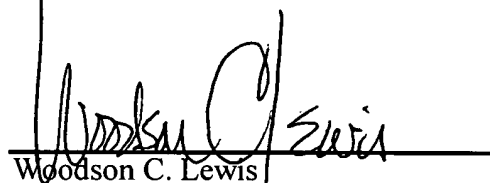
directs the cursor to a desired film and a desired date and time. Once the clickable show time is executed, the user is presented with a screen which requests the user to select how many tickets, in various categories such as adult, children, or senior, that the user wants to purchase. When the number of tickets is selected the user clicks on a SUBMIT button which takes the user to a shopping cart screen. The shopping cart screen presents the user with information concerning the previously selected choices in a shopping basket type of format. For example, the shopping cart screen includes the item selected, description of the item selected (such as adult ticket), the film, the name and location of the theater, the date of the movie, the time of the movie, the quantity of tickets, the price of a ticket, and the total price. Once the user is satisfied of the selections made, the user then clicks on a CHECK OUT button. When the CHECK OUT button is selected a personal information screen is encountered.

Information including the purchaser's name, address, and phone number is entered. The user, after entering the requested information, clicks on another CHECK OUT button. At this point, a new screen is presented in which the user is requested for a payment method. For example, the user enters credit card information. Once the information has been entered, the user clicks on another CHECK OUT button. The user is then sent a ticket via e-mail and the ticket is printed out to allow the user access to the theater. The ticket includes information such as the name of the purchaser, address, phone number, number of tickets, category of tickets,

name of theater, location of theater, date of movie, time of movie, price, and an invoice number which is a unique identification number. Once the ticket is printed out, the user takes the ticket to the movie theater and it is presented to a validation system. Once validated, the user is allow to enter the theater.

2. The device or method that I allege infringes this invention was first discovered to exist on May 25, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Woodson C. Lewis", is written over a horizontal line.

Woodson C. Lewis
502 Autumn Oaks Drive
St. Louis, Missouri 63021



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**STATEMENT OF FACTS BY THE ATTORNEY OF RECORD IN
SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF
ACTUAL INFRINGEMENT (M.P.E.P. §708.02)**

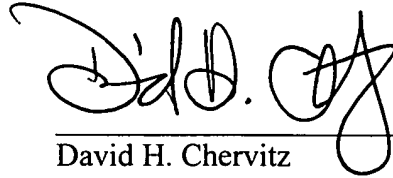
I, David H. Chervitz, Registration No. 32,820, am the attorney of record for the above-identified patent application and I make the following statements in support of Applicant's Petition to Make Special.

1. I have made a rigid comparison of the alleged infringing device and method referred to in the accompanying Statement by the Applicant with the claims of this application. I have also visited the website described in the accompanying Statement by the Applicant and have reviewed the various screens presented to a visitor of this website. I have reviewed the accompanying Statement by the Applicant and the manner in which the website is operated as described in the accompanying Statement by the Applicant is the same as I encountered in my visit to this website.

2. In my opinion, claims 1, 3, 5, 6, and 18, on file in this application are unquestionably infringed. By way of example and comparison, claim 18 is a method claim in which a method for selecting a ticket for an event and validating the ticket at the event is claimed. The method comprises the first step of browsing a website of an event provider over the Internet. This step is accomplished at the website movie-tickets.com. The second step is viewing information relating to an event which is accomplished by being providing movie times and dates at this website. The third step of claim 18 is selecting the event to purchase a ticket. This step is accomplished at this website by clicking on a time. The fourth step is paying for the ticket which is accomplished when requested for a method of payment which typically entails using a credit card. The fifth step of claim 18 is receiving the ticket which is accomplished by having movie-tickets.com send you a ticket via e-mail. The final step is validating the ticket at the event to allow entrance into the event. This step is accomplished by presenting the ticket that was e-mailed. Other comparisons of the claims may be made if required or requested. From the above comments, it is noted that all of the steps recited in claim 18 are infringed by the manner in which a ticket is selected for an event and the ticket is then validated for the event.
3. I have caused to be made a search of the pertinent prior art. All such material art has been provided to the U.S. Patent and Trademark Office, having been filed in a respective Information Disclosure Statement.

4. I believe that all the claims in this application as on file are allowable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D.H. Chervitz", written over a horizontal line.

David H. Chervitz
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& Lucchesi, L.C.
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